

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

FILED

JUN 06 2019

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

In re: Nondisclosure of Subpoena

Case No. 1:19-mj- 96

Filed Under Seal

**APPLICATION FOR ORDER COMMANDING YAHOO!, INC. NOT TO NOTIFY ANY
PERSON OF THE EXISTENCE OF SUBPOENA**

The United States requests that the Court order Yahoo!, Inc., and its parent, affiliated, and subsidiary companies (collectively, “Yahoo!”) not to notify any person (including the subscribers or customers of the account(s) listed in the subpoena) of the existence of the attached subpoena for 120 days from the date of the Court’s order.

Yahoo! is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computer service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached subpoena, which requires Yahoo! to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached subpoena relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify

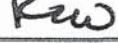
confederates. *See* 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Yahoo! not to disclose the existence or content of the attached subpoena for 12 days from the date of the Court's Order, except that Yahoo! may disclose the attached subpoena to an attorney for Yahoo! for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed for 120 days or until such other time as the Court may direct. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted this 6th day of June, 2019.

J. DOUGLAS OVERBEY,
United States Attorney

By: /s/ Kyle J. Wilson 
Kyle J. Wilson,
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**U.S. DEPARTMENT OF JUSTICE/DRUG ENFORCEMENT ADMINISTRATION
SUBPOENA**

In the matter of the investigation of
Case No: KX-18-0042
Subpoena No. KX-19-640390

TO: Compliance Team
Yahoo! Inc.
AT: 701 First Ave.
Sunnyvale, CA 94089

PHONE: 408-349-3687

FAX: 404-349-7941

GREETING: By the service of this subpoena upon you by Special Agent Derek R. Brown who is authorized to serve it, you are hereby commanded and required to appear before Special Agent Derek R. Brown, an officer of the Drug Enforcement Administration to give testimony and to bring with you and produce for examination the following books, records, and papers at the time and place hereinafter set forth:

Pursuant to an investigation of violations of 21 U.S.C. 801 et seq., and as authorized by 18 U.S.C. 2703 (c)(2), please provide Basic Subscriber Information for any and all records regarding the identification of a user with the Yahoo! ID "rddlez41" or Yahoo! email account "rddlez41@yahoo.com", to include name and address; Yahoo! email address; alternate email address; IP address and date and time of registration; account status; and log-in IP addresses associated with session times and dates. If possible, please respond in electronic format via the official government e-mail address listed below. We request that you not disclose the existence of this administrative subpoena, or this investigation, to your customer/subscriber, because such disclosure could compromise and impede this criminal investigation.

Please do not disclose the existence of this request or investigation for an indefinite time period. Any such disclosure could impede the criminal investigation being conducted and interfere with the enforcement of the Controlled Substances Act.

Please direct questions concerning this subpoena and/or responses to Special Agent Derek R. Brown, 423-855-6600.

Place and time for appearance: At 5751 Uptain Rd Suite 417 Chattanooga TN 37411 United States on the 8th day of June, 2019 at 09:00 AM. In lieu of personal appearance, please email records to derek.r.brown@usdoj.gov or fax to 423-855-6608.

Failure to comply with this subpoena will render you liable to proceedings in the district court of the United States to enforce obedience to the requirements of this subpoena, and to punish default or disobedience.

Issued under authority of Sec. 506 of the Comprehensive Drug
Abuse Prevention and Control Act of 1970, Public Law No. 91-513
(21 U.S.C. 876)

ORIGINAL

Signature: _____

William C. Wise

William C. Wise
Group Supervisor

Issued this 28th day of May 2019

FORM DEA-79